IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

Crl.MC.No. 1636 of 2003()

CRIME NO.719/2002 OF KASARAGOD POLICE STATION.
C.C.445/02 OF CJM COURT, KASARAGODE.

PETITIONER:
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1. K.P.JAYARAJAN, SUPERVISOR,
   KASARAGOD PRIMARY CO-OPERATIVE AGRICULTURAL &
   RURAL DEVELOPMENT BANK LIMITED, KASARAGOD.

2. KRISHNAN, AGRICULTURAL OFFICER IN THE
   YEAR 1999, KASARAGOD PRIMARY CO-OPERATIVE
   AGRICULTURAL & RURAL DEVELOPMENT BANK LIMITED,
   KASARAGOD.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS:
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1. T.A.ABDUL MAJEED, S/O. LATE ABBAS,
   RESIDING AT HASHIM STREET, THALANGARA VILLAGE,
   KASARAGOD.

2. B.ABDULLA, S/O. BADUVANKUNHI, RESIDING
   IN CHENARKATTU HOUSE, PERDALA POST, BADIADKA
   VILLAGE, KASARAGOD TALUK AND DISTRICT.

3. THE STATE OF KERALA, REPRESENTED BY THE
   DIRECTOR OF PUBLIC PROSECUTOR, HIGH COURT OF
   KERALA, ERNAKULAM (CRIME NO.719/2002 OF KASARAGOD
   POLICE STATION).

R1 BY ADV. SRI.M.T.SURESHKUMAR
R2 BY ADV. SRI.SHIRAZ ABDULLA
SRI.IMTHIYAZ AHAMED
R3 BY PUBLIC PROSECUTOR SRI PUZHAKKARA MUHAMMED.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 13/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.M.C.No.1636 OF 2003

DATED THIS THE 13TH DECEMBER, 2006

ORDER

The petitioners who are accused Nos. 2 and 3 in crime no.719/2002 of Kasaragod police station/C.C.No. 445/2002 in the file of the CJM Court, Kasaragode with respect to the offences under sections 420, 465, 468 read with section 34 IPC have sought for setting aside the proceedings pending before the court below. The 2nd respondent is the Ist accused. Ist respondent is the de facto complainant. The matter relates to the availing of loan by the 2nd respondent/A1 who was the power of attorney holder of the de facto complainant, allegedly without the knowledge and consent of the de facto complainant and with the connivance of the petitioners 1 and 2 who are the Supervisor and Agricultural Officer respectively of the concerned Co.op.bank. It is submitted by the counsel appearing for the respective parties that the entire matter has been settled among the

parties and that the 2nd respondent/A1 compensated the de facto complainant. The same is admitted by the counsel for the de facto complainant.

2. In the circumstances, I find that no purpose will be served by further proceeding with the matter. Hence, the entire proceedings pending in C.C.445/2002 in the court of CJM, Kasaragod is quashed herewith.

The Crl.M.C.is allowed.

(K.R.UDAYABHANU)

Judge.

kvm/-

K.R.UDAYABHANU, J.

CRL.M.C.1636 OF 2003

ORDER

13-12-2006